(22)

HIGH COURT OF JUDICATURE AT BILASPUR: CHHATTISGARH

Single Bench : **Hon'ble Shri H.L. Dattu, CJ.**

Contempt Case No. 48 OF 2006.

Applicants

1. Mohan Gond, aged about 55 years, son of Budhram.
2. Smt. Rukhmani Bai, aged about 45 years, wife of Shri Mohan Gond.
3. Brij Bihari, aged about 42 years, S/o. Rama Shankar.
4. Smt. Shail Kumar, aged about 40 years, wife of Shri Brij Bihari
5. Janaklal, aged about 37 years, son of Chunuklal.
6. Smt. Imla Bai, aged about 37 years, W/o. Shri Janaklal.
7. Pawan Kumar, aged about 41 years, S/o. Parasram Yadav.
8. Smt. Hira Bai, aged about 40 years, wife of Shri Pawan Kumar
9. Bharat, aged about 40 years, son of Shri Jodhram.

All resident of Village Math Puraina, Raipur.

Vs.

Respondents

1. Shri Sanjay Sharma, son of not known, Sub Divisional Officer, Zone No.6-Bhatgaon, Municipal Corporation, Raipur.
2. Shri Pankaj Tiwari, Time Keeper, Zone No.6, Bhatgaon.
3. Shri Kamalpreet, Commissioner, Municipal Corporation, Raipur.

Present: Shri B.P. Sharma counsel for the petitioners.
Shri H.B. Agrawal, Sr. Advocate with Shri Pankaj Agrawal, counsel for the respondents.

ORAL ORDER
(Passed on 26th March, 2007)

(23)

This Court while entertaining the writ petition No.536 of 2001, by its order dated 23.04.2001 had passed the following order:

> "If the petitioners are in possession of the land or plots in question as on this date, they shall not be ousted nor shall their house or structure be demolished until further orders from this Court."

(2) When the petition was filed, the petitioners had chosen to array Shri M.L. Gupta, Additional Tahsildar, Tahsil Office, Raipur, Chhattisgarh and one Shri Rupchand Sharma, Revenue Inspector, Tahsil Office, Raipur, Chhattisgarh as respondents in the writ petition.

(3) The order that was passed by this Court was operating only against those respondents.

(4) In this Contempt petition, the petitioners allege that the Municipal Corporation, Raipur has demolished the structures which were in possession of the petitioners on 15.06.2006 and, therefore, it is alleged that the respondents have willfully and deliberately disobeyed the orders and directions issued by this Court in the Writ Petition No.536 of 2001, dated 23.04.2001.

(5) The first principle for maintaining a contempt petition is that there must be an order and that order should be passed against any particular person or authority and also the order should contain a positive direction.

(6) In the instant case, the interim order that was passed by this Court on 23.04.2001 was against the respondents 2 and 3 in the writ petition. The Municipal Corporation, Raipur was nowhere in the picture and therefore, interim order passed by this Court was not operating against the Municipal Corporation. If for any reason, the Municipal Corporation has demolished the structures which were in possession of the petitioners, it cannot be said that the Municipal Corporation has deliberately and willfully disobeyed the orders and directions issued by this Court on 23.04.2001.

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(7) In view of this, I do not intend to take cognizance of this contempt petition and it is accordingly rejected. Ordered accordingly.

Sd/-
Chief Justice